

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6414

BILL NUMBER: HB 1044

NOTE PREPARED: Feb 22, 2010

BILL AMENDED: Feb 16, 2010

SUBJECT: Clerk Liability.

FIRST AUTHOR: Rep. Michael

FIRST SPONSOR: Sen. C. Lawson

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill provides that circuit court clerks and the Clerk of the Supreme Court are not personally liable for acts or omissions in the performance of the clerks' duties absent gross negligence or intentional disregard of the responsibilities of the office of clerk. The bill specifies that the fact that a clerk is not personally liable does not preclude an action against the clerk's bond based on an error or omission committed by the clerk.

Effective Date: July 1, 2010.

Explanation of State Expenditures: (Revised) This bill provides that an action could not be taken against the Clerk of the Supreme Court for good faith acts or omissions made in the line of duty. This provision would not exclude a party from taking action in case of the act or omission made by the Clerk.

Explanation of State Revenues: The effect of this provision on state and local court fee revenues is indeterminable.

Explanation of Local Expenditures: The provision would prevent a circuit court clerk from having an action taken against them for good faith acts or omissions made in the line of duty. This provision would not exclude a party from taking action against the county in case of the act or omission made by the clerk.

Explanation of Local Revenues: See *Explanation of State Revenues*.

State Agencies Affected: Supreme Court Clerk.

Local Agencies Affected: County clerks.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.